

DRAFT text of the measure (illustrative): Statutory Instrument (SI) Amendment

The SI will change the reference from 36 months to five years from IP completion day for the conformity marking easement; from 24 months to five years from IP completion day for the importer labelling easement; and extend the period during which products in relation to which manufacturers have taken steps to meet EU requirements may be lawfully placed on the market in Great Britain from 24 months to five years from IP completion day if those steps were taken before 31st December 2022 and subject to conditions relating to the continued validity of certificates issued in respect of those requirements and a cut-off date of 31st December 2027.

An illustrative draft example of how these measures are intended to apply to the Simple Pressure Vessels Regulations 2016 (S.I. 2016/1092) is provided here. A full list of the legislation which this SI will amend is included at Annex A. Annex B shows how these amendments will appear in the Simple Pressure Vessels Regulations 2016. Note that the legislative amendments will not be made to all of the legislation listed in Annex A, as not all of these changes are applicable to the relevant provisions. Some regulations will have all three amendments made, others will have only two or one.

STATUTORY INSTRUMENTS

2022 No.

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

HEALTH AND SAFETY

MARKET STANDARDS ETC.

**The Product Safety (Amendment) Regulations 2022 [Simple Pressure Vessel
example for WTO purposes]**

<i>Sift requirements satisfied</i>	***
<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i>	<i>31st December 2022</i>

The Secretary of State, in exercise of the powers conferred by section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(a), makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 relating to the appropriate Parliamentary procedure for these Regulations have been satisfied.

(a) 2018 c.16, amended by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c.1); there are other amendments not relevant to these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Product Safety (Amendment) Regulations 2022 and come into force at 11pm on 31 December 2022.

(2) These Regulations extend to England and Wales and Scotland.

Amendments to the Simple Pressure Vessel Regulations 2016

2. The Simple Pressure Vessel Regulations 2016(b) are amended as follows:—

(1) in regulation 6(1A) for “36 months” substitute “five years”;

(2) in regulation 21(1A)(a)(ii) for “24 months” substitute “five years”;

(3) In regulation 76A (transitional provision in relation to EU exit):—

(4) at the end of paragraph (1) insert:—

“ “transitional period” means the period beginning with IP completion day and ending 24 months after IP completion day.”

(5) after paragraph (4) insert:—

“(5) Subject to paragraph (6), where during the transitional period:—

(a) a product has not been placed on the market, and

(b) a manufacturer has taken steps under the provisions mentioned in regulation 38A(2)(b) in relation to that product,

that action has effect as if it had been done under regulations 40 or 41.

(6) Paragraph (5) does not apply:—

(a) after the expiry of the validity of any certificate issued pursuant to the conformity assessment procedures referred to in the provisions mentioned in regulation 38A(2)(b); and

(b) in any event, after 31st December 2027.”

Department for Business, Energy and Industrial Strategy
[Date]

Minister

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2019 (c.16) in order to address deficiencies arising from the withdrawal of the United Kingdom from the European Union. The Regulations extend to England and Wales and Scotland only.

Regulation 2(1) extends the period during which conformity markings can be placed on a label affixed to, or a document accompanying, the product itself from 36 months to five years from IP completion day.

Regulation 2(2) extends the period during which information identifying an importer can be set out in a document accompanying the imported product from 24 months to five years from IP completion day.

Regulations 2(3) to 2(5) extend the period during which products in relation to which manufacturers have taken steps to meet EU requirements may be lawfully placed on the market in Great Britain from a period of 24 months to five years from IP completion day if those steps were taken before 31st December 2022 and subject to conditions relating to the

(b) S.I. 2016/1092, amended by S.I. 2019/696 and S.I. 2021/1273. They were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. There are other amendments not relevant to these Regulations.

continued validity of certificates issued in respect of those requirements and a cut-off date of 31st December 2027, after which the provision is to cease to have effect.

Annex A: List of UK regulations that will be amended

1. Measuring Container Bottles (EEC Requirements) Regulations 1977
<https://www.legislation.gov.uk/uksi/1977/932/contents/made>
2. Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001
<https://www.legislation.gov.uk/uksi/2001/1701/contents/made>
3. Supply of Machinery (Safety) Regulations 2008
<https://www.legislation.gov.uk/uksi/2008/1597/contents/made>
4. Regulation (EU) 1223 of 2009
<https://www.legislation.gov.uk/eur/2009/1223/contents>
5. Aerosol Dispensers Regulations 2009
<https://www.legislation.gov.uk/uksi/2009/2824/contents>
6. Toys (Safety) Regulations 2011
<https://www.legislation.gov.uk/uksi/2011/1881/contents/made>
7. Explosives Regulations 2014
<https://www.legislation.gov.uk/uksi/2014/1638/made>
8. Pyrotechnic Articles (Safety) Regulations 2015
<https://www.legislation.gov.uk/uksi/2015/1553/contents/made>
9. Electromagnetic Compatibility Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1091/contents>
10. Simple Pressure Vessels (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1092/contents>
11. Lifts Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1093/contents>
12. Electrical Equipment (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1101/contents>
13. Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1107/contents/made>
14. Non-automatic Weighing Instruments Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1152/made>
15. Measuring Instruments Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1153/contents/made>

16. Recreational Craft Regulations 2017
<https://www.legislation.gov.uk/uksi/2017/737/contents/made>
17. Radio Equipment Regulations 2017
<https://www.legislation.gov.uk/uksi/2017/1206/contents/made>
18. Ecodesign for Energy-related Products Regulations 2010
<https://www.legislation.gov.uk/uksi/2010/2617/contents/made>
19. The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012
<https://www.legislation.gov.uk/uksi/2012/3032/contents/made>
20. The Pressure Equipment (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1105/contents>
21. Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC
<https://www.legislation.gov.uk/eur/2016/425/body>
22. Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC
<https://www.legislation.gov.uk/eur/2016/426/body>

Annex B: Draft SI Amendments – tracked changes

Below is a tracked change draft of the Simple Pressure Vessels (Safety) Regulations 2016 S.I. 2016/1092 as an example.

SHOWING REGS 6, 21 and 76A AS THEY APPLY IN GREAT BRITAIN - FOR ILLUSTRATIVE PURPOSES ONLY

S T A T U T O R Y I N S T R U M E N T S

2016 No. 1092

HEALTH AND SAFETY

CONSUMER PROTECTION

The Simple Pressure Vessels (Safety) Regulations 2016

Made

15th November 2016

Laid before Parliament

16th November 2016

Coming into force

8th December 2016

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to safety as regards simple pressure vessels.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act.

6 Declaration of conformity, UK marking and inscriptions for category A vessels

(1) Where the conformity of a category A vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing that vessel on the market, a manufacturer must—

- (a) draw up a declaration of conformity in accordance with regulation 43; and
- (b) affix the information set out in paragraph (1B) to—
 - (i) the vessel;
 - (ii) its data plate; or
 - (iii) where paragraph (1A) applies—
 - (aa) to a label affixed to the vessel; or
 - (bb) in a document accompanying the vessel.

(1A) This paragraph applies to a vessel that is placed on the market within a period of ~~36 months~~ five years beginning with IP completion day.

(1B) The information referred to in paragraph (1)(b) is—

- (a) the UK marking;
 - (b) the last two digits of the year in which the UK marking is affixed;
 - (c) the inscriptions.
- (2) Where a data plate is used, it must be so designed that it cannot be reused and must include a vacant space to enable other information to be provided.
- (3) The information referred to in paragraph (1)(b) must be visible, legible and indelible.
- (4) The manufacturer must keep the *EU* declaration of conformity up-to-date.
- (5) Where a category A vessel is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.

21 Information identifying importer

(1) Before placing a vessel on the market, an importer must indicate on the vessel —

- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.

(1A) Paragraph (1) does not apply where—

- (a) either—
 - (i) it is not possible to set out the information referred to in paragraph (1) on the vessel, or
 - (ii) the importer has imported the vessel from an EEA state or Switzerland and places it on the market within the period of ~~24 months~~ five years beginning with IP completion day, and
- (b) before placing the vessel on the market, the importer sets out the information referred to in paragraph (1) in a document accompanying the vessel.

(2) The contact details referred to in paragraph (1) must be in a language which can be easily understood by end-users and the enforcing authority.

76A Transitional provision in relation to EU Exit

(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means a vessel to which these Regulations apply.

“transitional period” means the period beginning with IP completion day and ending 24 months after IP completion day.”

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 21 to the Product Safety and Metrology etc (Amendment etc) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulations 40 or 41 as they had effect immediately before IP completion day in relation to that product that action has effect as if it had been done under regulations 40 or 41 as they have effect on and after IP completion day.

(5) Subject to paragraph (6), where during the transitional period:—

- (a) a product has not been placed on the market, and
- (b) a manufacturer has taken any action under the provisions mentioned in regulation 38A(2)(b) in relation to that product, that action has effect as if it had been done under regulations 40 or 41.

(6) Paragraph (5) does not apply:—

- (a) after the expiry of the validity of any certificate issued pursuant to the conformity assessment procedures referred to in the provisions mentioned in regulation 38A(2)(b); and
- (b) in any event, after 31st December 2027.”